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ter company. It appeared that the meter system was the only practicable way of determining whether there was unnecessary waste in flushing them. Held, that the water company had the right to require the installation of meters at its own expense as a condition to making the connection, though the city paid a flat rate for the water it used; the fact that it might be necessary to place the meters in boxes located near the curbs not constituting such an obstruction as to make the water company's demand unreasonable.

[Ed. Note.—For other cases, see *Waters and Water Courses*, Dec. Dig. § 200.\*]

Error to Hustings Court of Portsmouth.

Proceedings by the City of Portsmouth against the Portsmouth, Berkley & Suffolk Water Company. Judgment for petitioner, and defendant bring error. Reversed.

*T. J. Wool* and *Goodrich Hatton*, for plaintiff in error.

*John W. Happer*, for defendant in error.

#### HAYNOR v. HAYNOR.

March 9, 1911.

[70 S. E. 531.]

**1. Equity (§ 345\*)—Pleading—Answer—Verified Answer.**—An answer to the bill under oath is evidence for defendant, and will be taken as true, unless overcome by testimony of two witnesses, or of one witness and corroborating circumstances, or by documentary evidence.

[Ed. Note.—For other cases, see *Equity*, Cent. Dig. §§ 715-724; Dec. Dig. § 345.\* 1 Va.-W. Va. Enc. Dig. 409.]

**2. Divorce (§ 130\*)—Actions—Sufficiency of Evidence.**—Evidence in a suit for a divorce from bed and board for cruelty and reasonable apprehension of bodily harm held to show that both parties were at fault in their differences, which led the wife to leave home.

[Ed. Note.—For other cases, see *Divorce*, Cent. Dig. §§ 442-445; Dec. Dig. § 130.\* 4 Va.-W. Va. Enc. Dig. 738.]

**3. Husband and Wife (§ 288\*)—Separation—Actions—Defenses—Abandonment by Wife.**—A wife, who has voluntarily abandoned her husband, should not be granted a separate maintenance, unless her abandonment was without her own fault, and made necessary for her safety and happiness.

[Ed. Note.—For other cases, see *Husband and Wife*, Dec. Dig. § 288.\* 1 Va.-W. Va. Enc. Dig. 298.]

Appeal from Law and Chancery Court of City of Norfolk.

Suit by Jennie E. Haynor against Thomas H. Haynor. From

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\*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

a decree for plaintiff, defendant appeals. Reversed, and bill dismissed.

*Cabell, Walbridge & L'Anson*, for appellant.

*G. M. Dillard and John G. Tilton*, for appellee.

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COMMERCIAL TRUST CO. et al. v. FIRST NAT. BANK OF RICHMOND.

March 9, 1911.

[70 S. E. 532.]

**Appeal and Error (§ 1097\*)—Affirmance—Matter Disposed of on Former Appeal.**—It appearing that the subject of an appeal was finally disposed of on a former appeal, the judgment will be affirmed.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 4358-4368; Dec. Dig. § 1097.\* 1 Va.-W. Va. Enc. Dig. 651.]

Appeal from Chancery Court of Richmond.

Suit by S. H. Hawes & Co. against the William R. Trigg Company and others. From a decree, the Commercial Trust Company, trustee, and others appeal, adversely to the First National Bank of Richmond, Va. Affirmed.

*Eppa Hunton and R. G. Bickford*, for appellant.

*Gco. Bryan*, for appellee.

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AMERICAN NAT. BANK OF WASHINGTON, D. C., v. TAYLOR et al.

March 9, 1911.

[70 S. E. 534.]

**1. Husband and Wife (§ 14\*)—Conveyance to Husband and Wife—Nature of Title.**—Code 1887, § 2430 (Code 1904, p. 1187), provides that, if any estate be conveyed to a husband and his wife, they shall take by moieties. T. conveyed certain land to his son by deed, providing that T. and his wife were to have the use of the same for life, with the right to participate in the consideration in case of a sale. T.'s wife having died, the son executed a deed of trust on the land, in which T. joined, to secure the son's debt, and thereafter T. sold all his interest in the land to the son, on condition of his agreement to pay him \$50 every four months as long as T. lived. Held, that the exception in the deed created a life estate in the use of the property in T. and his wife as tenants in common, each of a

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\*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.